

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY REAL PROPERTY ACQUISITION, DISPOSITION AND LEASING ORDINANCE, CHAPTER 22, ARTICLE VI OF THE PALM BEACH COUNTY CODE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SUPERMAJORITY VOTE; PROVIDING FOR CREATION OF A PROPERTY REVIEW COMMITTEE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Chapter 125, Florida Statutes, authorizes counties to adopt ordinances consistent with general and special law to provide for the health, safety and welfare of its citizens; and

**WHEREAS**, the Board of County Commissioners previously enacted the "Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance" which is codified at Chapter 22, Article VI of the Palm Beach County Code; and

**WHEREAS**, the Board of County Commissioners desires to amend such ordinance to add a supermajority vote requirement in certain circumstances and to provide for the creation of a Property Review Committee to review, evaluate and advise the Board regarding certain real estate transactions.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Part 1.** Chapter 22, Article VI, Section 22-102, Definitions, is hereby amended to add the following definitions:

*Hypothetical Condition* means a condition not presently existing but supposed for the purpose of analysis in an appraisal. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property or about conditions external to the property, such as market conditions or trends or about the integrity of data used in an appraisal analysis.

*Extraordinary Assumption* means an assumption, directly related to a specific appraisal, which, if found to be false, could alter the appraiser's opinions or conclusions.

1 Extraordinary assumptions presume as fact otherwise uncertain information about physical,  
2 legal, or economic characteristics of the subject property or about conditions external to the  
3 property such as market conditions or trends or about the integrity of data used in an appraisal  
4 analysis.

5 **Part 2.** Chapter 22, Article VI, is hereby amended to add a new Section 22-106  
6 as follows:

7 **SUPERMAJORITY VOTE.**

8 All purchases (including eminent domain), sales and exchanges of fee simple title to real  
9 property (including conveyances for no or nominal consideration) must be approved by a  
10 supermajority vote (five commissioners) of the Board. The foregoing supermajority vote  
11 requirement will not apply to internal interdepartmental transactions or transactions that do not  
12 require separate board action due to a delegation of authority by the Board to County staff prior  
13 to January 1, 2010. On or after January, 2010, delegation of authority to staff by the Board  
14 relating to purchases, sales and exchanges (including eminent domain and conveyances for no  
15 or nominal consideration) must be approved by a supermajority vote of the Board.

16 **Part 3.** Chapter 22, Article VI, is hereby amended to add a new Section 22-107  
17 as follows:

18 **PROPERTY REVIEW COMMITTEE.**

19 A. The Board shall create by resolution, within sixty (60) days of the effective date  
20 of this Ordinance, a committee to be named the Property Review Committee to review,  
21 evaluate and advise the Board regarding real estate transactions involving the purchase  
22 (including eminent domain), sale or exchange of fee simple title to real property, which  
23 transactions:

- 24 1. Are based on appraisal(s) utilizing Hypothetical Conditions or Extraordinary  
25 Assumptions.
- 26 2. Are based upon appraisal(s) assuming a change of land use, a comprehensive  
27 plan amendment or concurrency other than that which currently exists.
- 28 3. Involve a purchase in which the purchase price of the real property is greater  
29 than one hundred and ten percent (110%) of the fair market value as  
30 determined by the appraisal or the average of the appraisals obtained by the  
31 County.

1 4. Involve a sale in which the sale price of the real property is lower than  
2 ninety percent (90%) of the fair market value as determined by the appraisal  
3 or the average of the appraisals obtained by the County.

4 5. Involve an exchange of real property in which the purchase or sale price of  
5 the real property to be conveyed to or by the County, plus any additional  
6 consideration to be paid to or by the County in the exchange transaction  
7 exceeds \$250,000.

8 B. The Board and the County Administrator shall be entitled to direct County staff  
9 to present to the Property Review Committee any real property transaction not otherwise  
10 required by this Ordinance to be presented to the Property Review Committee.

11 C. The provisions of this section shall not apply to transactions for less than  
12 \$250,000, transactions subject to Federal Aviation Administration review or audit with the  
13 exception of off-airport transactions for a non airport purpose, transactions pursuant to Chapter  
14 11, Article XV of the Palm Beach County Code, the "Conservation Lands Protection  
15 Ordinance", or to any intergovernmental conveyance of real property pursuant to F.S. §125.38,  
16 as may be amended.

17 **Part 4. REPEAL OF LAWS AND ORDINANCES IN CONFLICT**  
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19 All local laws and ordinances in conflict with any provision of this Ordinance  
20 are hereby repealed to the extent of any such conflict.

21 **Part 5. SEVERABILITY**

22 If any provision, article, paragraph, sentence, clause, phrase, or work of this  
23 Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such  
24 holding shall not affect the remainder of this Ordinance.

25 **Part 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

26 The provisions of this Ordinance shall become and be made a part of the Code  
27 of Laws and Ordinances of Palm Beach County, Florida. The articles and sections of this  
28 Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may  
29 be changed to "Section", "Article", or other appropriate word.

30 **Part 7. EFFECTIVE DATE**

31 The provisions of this Ordinance shall become effective January 1, 2010.

32 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
33 County, Florida, on this the 15<sup>th</sup> day of December, 2009.

1  
2 SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

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5  
6 By:  Deputy Clerk

By:  Burt Aaronson, Chair

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10 APPROVED AS TO FORM AND  
11 LEGAL SUFFICIENCY

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14 By:  County Attorney

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18 EFFECTIVE DATE: Filed with the Department of State on the 18th day of

19 December, 2009.

20  
STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk and Comptroller  
certify this to be a true and correct copy of the original  
filed in my office on December 15, 2009

dated at West Palm Beach, FL on 9/15/10

By:  Deputy Clerk

